IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 321 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SOMJIBHAI KANJIBHAI VELANI - Applicant(s)
Versus
STATE OF GUJARAT & 5 - Respondent(s)

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Appearance :

MR CB DASTOOR for Applicant(s) : 1,
MR KC SHAH, APP for Respondent(s) : 1,
MR PURVISH J MALKAN for Respondent(s) : 2,
WITHDRAWN for Respondent(s) : 3 - 6.

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 13/04/2007

ORAL JUDGMENT

1. The present Revision Application has been filed

by the petitioner, Somjibhai Kanjibhai Velani – original complainant challenging the judgment and order passed by the learned Addl.Sessions Judge (Fast Track Court), Bhuj in Sessions Case No. 44 of 2000 dated 26th May 2003 acquitting all the respondents Nos. 2 to 6 and further convicting the respondents Nos.2 to 6 for the offence alleged to have been committed under Sections 143, 147, 148, 149, 323, 324, 506(2) and 307 of the Indian Penal Code.

2. The matter was filed on 24th June 2004. This Court (Coram: C.K.Buch, J.) passed an order on 24th August 2004 and issued Rule qua respondent No.2 Mohanlal Somji Velani – original accused No.1 in this behalf.

3. The brief facts of the case are as under:

3.1 The present accused No.2 – Mohanlal Somanj Velani is the son; accused No.3-Govariben Mohanlal Velani, wife of Mohanlal & daughter-in-law; accused No.3 – Kantaben Ramjibhai Somjibhai Velani, daughter-

in-law, accused No.4 – Dineshkumar Ramjibhai Velani – grand-son; and accused No.5 – Bhavnaben Ramjibhai Velani – grand-daughter of the petitioner-original complainant.

3.2 It is the case of the petitioner that all the above respondents-accused were demanding share in the property of the petitioner and as the petitioner denied the same, the respondents-accused formed unlawful assembly armed with pipes and sticks, assaulted the present petitioner and as a result of which, the petitioner sustained serious injuries and fractures on his back as well as on his hand. Hence, the petitioner was hospitalised for few days and ultimately a complaint came to be lodged on 19.1.2000 against the present accused respondents for the offences alleged to have been committed under Sections 323, 324, 506(2) and 114 of Indian Penal Code. In the said complaint, the learned Addl.Sessions Judge (Fast Track Court), Bhuj acquitted all the respondents accused. Hence, the present Revision Application before this Court.

4. Mr.C.B.Dastoor, learned advocate appearing on behalf of the respondents – accused stated that when the matter came up for hearing, this Court (Coram: C.K.Bhuj, J.) passed an order dated 24.8.2004 issuing Rule qua respondent No.2 – Mohanlal Somji Velani only, son of the petitioner complainant. Mr.Dastoor has submitted that this is a dispute between the father and son which can be settled. He states that said respondent No.2 – son of the petitioner complainant will give assurance to his father that in future, he will not indulge in such kind offences and will not insist for partition of the property in question.

5. In view of the above, there is no merits in this Revision Application. Hence, it is rejected. Rule is discharged.

(K.M.Mehta, J.)

Sreeram.